

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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|----------------------------|---|-------------------|
| THE ESTATE OF YARON UNGAR, | : | |
| et al., | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | C.A. No. 00-105 L |
| | : | |
| THE PALESTINIAN AUTHORITY, | : | |
| et al., | : | |
| Defendants. | : | |

ORDER
CONTINUING HEARING
ON MOTIONS FOR DEFAULT JUDGMENT

Before the court are Plaintiffs' Motion Pursuant to Fed.R.Civ.P. 37(b)(2) for Judgment by Default Against Defendant PA and for Other Relief and Plaintiffs' Motion for Judgment by Default Against the PA and PLO and for Other Relief for Refusal to Submit to Depositions (the "Motions"). These Motions have been referred to me for findings and recommended disposition. A hearing was conducted on May 14, 2003.

Because default judgments are not favored, see Isby v. Clark, 100 F.3d 502, 504 (7th Cir. 1996), and Defendants have not previously been explicitly warned by the court that a failure to comply with their discovery obligations could result in the entry of default judgment against them, see Angulo-Alvarez v. Aponte De La Torre, 170 F.3d 246, 251 (1st Cir. 1999) (upholding dismissal of complaint where plaintiff had been ordered to answer interrogatories and warned that dismissal could result if he failed to do so), the court makes the following order.

1. The hearing on the Motions is continued to July 14, 2003, at 11:00 a.m.

2. Defendants are ordered to comply with all outstanding discovery requests from Plaintiffs by July 14, 2003, including completion of the depositions of the persons previously noticed

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by Plaintiffs.

3. Defendants shall notify Plaintiffs in writing not later than June 16, 2003, of the dates prior to July 14, 2003, that deponents are available to be deposed in Rhode Island. If Defendants seek to have the depositions conducted somewhere other than in the District of Rhode Island, Defendants shall file a motion seeking such relief not later than Monday, June 16, 2003. Said motion shall state when and where each deponent, for whom such relief is requested, is available to be deposed prior to July 14, 2003. The court will conduct a prompt hearing on such motion.


4. If Defendants fail to comply with the requirements of paragraph 3 of this order by June 16, 2003, Plaintiffs shall bring such failure to the court's attention, and the court will advance the hearing on the Motions scheduled for July 14, 2003, to June 23, 2003.

5. Defendants are warned that failure to comply fully with this order may result in the entry of default judgment against them.

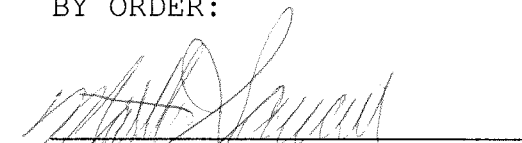
6. Plaintiffs will be awarded attorney's fees for the additional work they have incurred as a result of Defendants' failures to respond to Plaintiffs' discovery requests to date. The court will address the matter of attorney's fees further at the hearing on July 14, 2003 (or June 23, 2003, as explained in paragraph 4 above).

SO ORDERED.

ENTER:


David L. Martin
United States Magistrate Judge
May 14, 2003

BY ORDER:


Deputy Clerk